



HATCH VALLEY PUBLIC SCHOOLS

All Students Empowered to Succeed

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

April 2, 2015

Dear Ms Dortch:

I am writing on behalf of the Hatch Valley Public Schools (Entity Number: 143312) to request a waiver of the Form 486 deadline for Funding Year 2014, funding request numbers 2650319, 2650835, 2651102, 2651150, 2654503, 26547705, and 265174. The FY 2014 Forms 471 (Application Numbers: 973253, 973547, 973676, 974799, 974914 and 974988) were filed by the previous Technology Director who suddenly left the position on September 11, 2014, leaving the position vacant until December 10, 2014 when I assumed the position within the district. Upon joining the district I knew very little about the E-rate program and was unaware that a deadline had been missed. As you can imagine my first month and a half at the district were a whirlwind preparing for PARCC testing and learning the ways of the district.

Once things settled down in early January I began cleaning my office only to discover several letters from USAC dated November 19, 2014 indicating that we missed the Form 486 deadline and had 20 days to rectify the situation. Due to the fact that the letters were not discovered until after the extended deadline I had no opportunity to rectify the situation without a penalty. Within a couple of days of discovering this ministerial or clerical error we filed the Form 486. In accordance with its administrative procedures USAC adjusted the service start date to October 28, 2014 which reduced our funding by \$34,802.75. The loss of these funds would most certainly result in a financial hardship for our district.

While we fully understand the importance of deadlines for the efficient administration of the program, there is precedence for waiving FCC deadlines and USAC administrative deadlines as shown below:

"As we recently noted in Bishop Perry Middle School, a departure from required filing deadlines may be warranted upon careful review of the Petitioner's case and when doing so will serve the public interest. Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed

401 Main Street, P.O. Box 790, Hatch, NM 87937, Phone (575) 267- 8200

to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms. Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants. Given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants¹."

We fully believe that our situation has the same fact pattern as many of the applicants granted relief in the Alaska Gateway Order. This omission was not intentional and upon identification it was immediately rectified. We humbly request that you waive USAC's administrative deadline and direct USAC to change our service start date to July 1, 2014.

Thank you for your consideration of this matter.



W. Andrew Campbell
Network Administrator
Hatch Valley Public Schools
401 Main Street
P.O. Box 790
Hatch, New Mexico 87937
Office [575.267.8247](tel:575.267.8247)
Cell [575.680.6883](tel:575.680.6883)
Fax [575.267.8242](tel:575.267.8242)
acampbell@hatchschools.net

¹ See *Alaska Gateway Order* (DA 06-1871) at par. 7.

Appeal of Form 486 Reduction

July 26th, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

To Whom It May Concern:

On April 2nd, 2015 the district filed the attached appeal with the FCC (See Attachment 1). The district was contacted by the FCC and instructed to resubmit their appeal to USAC because program rules require USAC to address appeals before the FCC will address an issue. Therefore, the district submitted the attached appeal to USAC for consideration (See Attachment 2). USAC denied that appeal on May 29th, 2015 (See Attachment 3). We are, therefore, resubmitting the April 2nd appeal to the FCC for consideration. We are requesting that the FCC provide the positive outcome requested in Attachment 1.

Sincerely,

Andy Eisley

Consultant to Hatch Public Schools

Appeal of Form 486 Reduction

May 15, 2015

Appeal Request
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

To Whom It May Concern:

On April 2nd, 2015 the district filed the attached appeal with the FCC. The district was recently contacted by the FCC and instructed to resubmit their appeal to USAC because program rules require USAC to address appeals before the FCC will address an issue. Therefore, we are submitting the attached appeal for your consideration. It is our understanding that USAC, generally, does not waive its administrative deadlines, but we believe that the fact pattern does warrant such a waiver. It is important to note that the Form 486 is not an FCC rule, so USAC is well within their rights as the Administrator to waive this procedural deadline. Waiving this deadline would be consistent with the principles laid out in the Alaska Gateway Order.

Please provide the positive outcome requested in the attached letter. Please note the appeal is addressed to the FCC, but we expect that USAC will resolve it.

Sincerely,

Andy Eisley

Consultant to Hatch Public Schools



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

May 29, 2015

Andrew G. Eisley
E-Rate Central
PO Box 1403
Cornelius, NC 28031

Re: Applicant Name: HATCH VALLEY PUBLIC SCHOOLS
Billed Entity Number: 143312
Form 471 Application Number: 974988
Form 486 Application Number: 1059683
Funding Request Number(s): 2656174
Your Correspondence Dated: May 15, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 FCC Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2656174
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from July 10, 2014 of the Funding Commitment Decision Letter (FCDL) or the Service Start Date, July 1, 2014, indicated on the 486, whichever date is later, the date of the FCDL OR the SSD indicated on the FCC Form 486. On November 19, 2014, USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on February 25, 2015, which is after the new deadline date. Consequently, the SSD has been revised to October 28, 2014, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the

applicant to ensure that all forms are submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

May 29, 2015

Andrew G. Eisley
E-Rate Central
PO Box 1403
Cornelius, NC 28031

Re: Applicant Name: HATCH VALLEY PUBLIC SCHOOLS
Billed Entity Number: 143312
Form 471 Application Number: 973253
Form 486 Application Number: 1059683
Funding Request Number(s): 2650319
Your Correspondence Dated: May 15, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 FCC Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2650319
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from July 10, 2014 of the Funding Commitment Decision Letter (FCDL) or the Service Start Date, July 1, 2014, indicated on the 486, whichever date is later, the date of the FCDL OR the SSD indicated on the FCC Form 486. On November 19, 2014, USAC mailed an Urgent Reminder letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on February 25, 2015, which is after the new deadline date. Consequently, the SSD has been revised to October 28, 2014, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that

all forms are submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

May 29, 2015

Andrew G. Eisley
E-Rate Central
PO Box 1403
Cornelius, NC 28031

Re: Applicant Name: HATCH VALLEY PUBLIC SCHOOLS
Billed Entity Number: 143312
Form 471 Application Number: 973547
Form 486 Application Number: 1059683
Funding Request Number(s): 2650835
Your Correspondence Dated: May 15, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 FCC Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2650835
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from July 10, 2014 of the Funding Commitment Decision Letter (FCDL) or the Service Start Date, July 1, 2014, indicated on the 486, whichever date is later, the date of the FCDL OR the SSD indicated on the FCC Form 486. On November 19, 2014, USAC mailed an Urgent Reminder letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on February 25, 2015, which is after the new deadline date. Consequently, the SSD has been revised to October 28, 2014, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that

all forms are submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

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